

MINUTES
ENOCH CITY COUNCIL
February 20, 2019 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Geoffrey Chesnut
Council Member David Harris
Council Member Jolene Lee
Council Member Dave Owens-absent
Council Member Katherine Ross-absent
Council Member Shawn Stoor

Staff present:

Julie Watson, Recorder
Ashley Horton, Treasurer
Justin Wayment, Atty.
Robert Dotson, City Mgr.
Jackson Ames, PD Chief
Earl Gibson, PW Dir.

Public present: Betty Talbot, Yvonne Simonds, Steve Woolsey, Stetson Brindley, Jonah Banks, Royce Young, Tamber Bascom, TC Bascom and Bob Platt

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING-**By Mayor Chesnut at 6:00pm. He excused Council Members Owens and Ross.
 - a. **Pledge of Allegiance-**Led by Council Member Stoor
 - b. **Invocation-**Audience invited to participate-Given by Steve Woolsey
 - c. **Inspirational thought-**Given by Mayor Chesnut
 - d. **Approval of Agenda for February 20, 2019-Council Member Harris made a motion to approve to approve the agenda. Motion was seconded by Council Member Lee and all voted in favor.**
 - e. **Approval of Minutes for February 6, 2019-Council Member Harris made a motion to approve the minutes. Motion was seconded by Council Member Stoor and all voted in favor.**
 - f. **Conflict of Interest Declaration for this agenda-**none stated

2. **PUBLIC COMMENTS-**none

3. **DISCUSS AND VOTE ON A MINOR LOT SUBDIVISION FOR JEFFREY AND ANGELA JOHN-**Steve Woolsey

Steve Woolsey came up to represent the applicants. Their minor lot is 22.4 acres and is north of Willow Glen Inn. It fronts off Bulldog Road and they are splitting it into two equal parcels. Council Member Harris said the Planning Commission sent a favorable recommendation as all was in order and met the requirements.

Council Member Harris made a motion to approve the Minor Lot Subdivision for Jeffrey and Angela John. The motion was seconded by Council Member Stoor and all voted in favor.

4. **DISCUSS AND VOTE ON A MINOR LOT SUBDIVISION FOR FOSTER'S, INC.-Platt & Platt**

Bob Platt came up to represent the Foster's commercial development on SR-130. They are dividing it into two parcels for financing purposes. Council Member Harris said this application met all requirements and will be a gas station and C-store. Council Member Lee said this is right off of where you would turn off of SR-130 so she is sensitive to this. Bob Platt said it is accessed at 4600 North and SR-130. She asked if UDOT would be willing to put in a turning lane. That is in the future plan Bob said but not right now. She is concerned because this is a

safety problem for everyone. It is 55 mph and to turn off to go to this business so you would have to slow down and she sees that as a potential problem. Council Member Harris said eventually they will widen the road but not tomorrow. We need a deceleration lane. Council Member Harris said they did that for Gateway. Council Member Lee said long term they hope to have a multi-use path or trail on SR-130. She said she realizes this is just about the minor lot subdivision tonight but wanted to get the discussion in front of the City Council for a later date. Bob Platt noted that 4600 North is a dirt path now. They will pave it and add curb, gutter and full improvements to 4600 North. Mayor Chesnut said UDOT is aware of our concerns. He added as commercial development occurs UDOT will respond. City Manager Dotson cited the traffic study that says further development will change the study. Council Member Harris said if we let an unknown stop us we will not move on anything but we want to go in with eyes open. Bob Platt said they were in on the Family Dollar and UDOT helped. They even put in pavement on SR-130 on the west side. As things progress he hopes they will help.

Council Member Harris made a motion to approve the Minor Lot Subdivision for Forster's, Inc. The motion was seconded by Council Member Stoor and all voted in favor.

5. REAPPOINTMENTS TO TREE AND RECREATION COMMITTEES-Council Member Stoor

Council Member Stoor said this is to appoint and reappoint members. He proposes to appoint new member Yvonne Simonds and reappoint Riley Howard to the Tree Committee.

Council Member Stoor made a motion to approve Riley Howard and Yvonne Simonds to the Tree Committee. The motion was seconded by Council Member Harris and all voted in favor.

Council Member Stoor said Dave Jacobsen and Roger Olcott are up for reappointment to the Recreation Advisory Board. They are still short one member. Council Member Lee asked Yvonne Simonds if she would serve on the Recreation Advisory Board as well as the Tree Committee and she agreed she would.

Council Member Stoor made a motion to approve reappointing Roger Olcott and Dave Jacobsen and appointing new member Yvonne Symonds to the Recreation Advisory Board. The motion was seconded by Council Member Harris and all voted in favor.

Mayor Chesnut thanked Yvonne who was in attendance.

6. ORDINANCE NO. 2019-02-20 AN ORDINANCE AMENDING THE ENOCH CITY ZONING ORDINANCE, CHAPTER 18, CONDITIONAL USE PERMITS

Mayor Chesnut asked Council Member Harris to tell them about this. Council Member Harris said this came out of Planning Commission and we amended the ordinance to allow a single residential unit to go into a commercial zone. When we revamped the conditional uses recently we removed "dwelling unit" from the list meaning it is allowed everywhere. Now someone has applied to put in another residential unit after already building one residential unit on his commercial lot and that was not the intent. This change is to allow only one residential unit in a commercial zone. He said this clarifies the intent and cleans it up. The Planning Commission agreed that was the intent and sent a favorable recommendation.

Council Member Harris made a motion to approve Ordinance No. 2019-02-20, an ordinance amending the Enoch City Zoning Ordinance, Chapter 18, Conditional Use Permits. The motion was seconded by Council Member Lee and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Absent	Council Member Owens-Absent
Council Member Lee-Yes	Motion passed

7. **DISCUSS AND TAKE ACTION ON REVOKING A CONDITIONAL USE PERMIT AND BUSINESS LICENSE FOR CROSS AUTO**

Mayor Chesnut asked City Manager Dotson about this. City Manager Dotson said a couple of years ago the City Council approved a Conditional Use Permit (CUP) for Shane Sackett of Cross Auto to have an auto repair business at his home. There were four conditions and at least three have not been met. One is vehicles parked out front after hours. Two more issues are being researched, one being the non-completion of the building permit. City Attorney Wayment said we reviewed State code and it is not very helpful. Reading our City Code the City Council needs to be the body that takes this action. We have to send a certified letter from the City directing him to clean it up and get into compliance within 30 days. He suggested we may want to change some things in our Code to be able to track this more efficiently and he made a few suggestions. Council Member Harris agreed the 30 day notice is good as a person should have "due process" when we are taking away their means of livelihood for violations. City Attorney Wayment suggested in this case it would be good to have the PD serve the letter if they don't sign for the certified letter at home or at the Post Office. Council Member Lee said this has been going on more than long enough. He has acted with knowledge of the conditions. We have been more than accommodating and he has not complied. Neighbors have a right to be furious.

Mayor Chesnut said the decision to revoke will come later after the 30 days and he may appeal. Council Member Lee said it should be noted that he has been given much latitude in this. Council Member Harris said if he complies within the 30 day limit and then violates it shortly after, do we have to start over? He suggested we keep a shorter leash on this. The ordinance does not address it, City Attorney Wayment said. Council Member Harris said in talking about 30 days that is March 31st. Can we require he remain in compliance or would a single violation cause revocation? City Attorney Wayment said there was a shift in State code about eight years ago on CUP's and things are presumed to be allowed unless the City carries the burden of not allowing it by defining conditions in local code. Council Member Harris said we have done that now. Mayor Chesnut said he does not see that we have to give time to comply but in an abundance of caution we will do that. If we see he is not compliant we will hold a hearing at a regular Council meeting. We put it on the agenda and he comes or not. That covers due process. City Attorney Wayment said fair warning must be given for non-compliance. Mayor Chesnut suggested language. If he remains non-compliant then it goes to a hearing within 30 days. Non-compliance triggers the action. He must come into compliance and remain in compliance or a hearing will be held to revoke. That makes him responsible for his own living. Council Member Harris said he was well aware of the conditions. We put the conditions in writing and violation jeopardizes the situation. Council Member Harris said he is in favor of sending the letter to put him on notice. **Council Member Harris made a motion to send the letter as discussed. Motion was seconded by Council Member Stoor and all voted in favor.**

Betty Talbot said not knowing the procedures she does not understand the formality. They, as neighbors, fought it from the start and don't dislike him but this has gone too far. Don't they have rights too with what they lost to him and had to accept his business? Now they suffer with noise, smells and all manner of disruption to their lives. What rights do they have? Mayor Chesnut said the City Council is well aware. We gave him a chance and he violated that. Betty said she does not think it is fair. She has a right to expect that the conditions be met. Mayor Chesnut said he was given rules to follow but he has not done that. To take it away we have to follow procedure and give him due process. She said she just wanted to know her rights. Mayor Chesnut said he has to fix it or we take the right away. He made promises too. If he does not answer to our satisfaction there are no grounds to let him go on. If he keeps on doing business it is a Class B misdemeanor. Mayor Chesnut said he knows it has been a long haul. Betty said they have been more than patient. Mayor Chesnut said we are taking steps.

8. DISCUSS AND REVOKE RESOLUTION NO. 2019-02-06 A RESOLUTION TO APPROVE THE INTER-LOCAL AGREEMENT BETWEEN ENOCH CITY AND IRON COUNTY

Mayor Chesnut asked City Attorney Wayment about this. We voted to approve it last meeting. City Attorney Wayment explained there are things that came to our attention in the agreement. As we checked it there are problems. He was told this is substantially altered from the last agreement of May 18, 2011. He gave an example of an action Parowan took regarding an indemnification agreement. The insurance company said they can't require an indemnity agreement for the company putting in their infrastructure or they will not pay any claims. There are things to work through with our own insurance company and even more if there was an emergency. People come and help and we do the same when something happens. This agreement asks for the right of reimbursement and contractually requires it. It is binding to pay for any services rendered. We need to understand the risk. No one has signed this agreement as of now. The Police Chiefs of all the cities are going to get together to pound out something more viable and we will check with our insurance company so as not to breach their agreement. Cities come together in times of crisis and he would like to see the reimbursement clause gone. We have always just helped each other. This might burn us.

Council Member Harris made a motion to revoke Resolution No. 2019-02-06, a resolution to approve the inter-local agreement between Enoch City and Iron County. Motion was seconded by Council Member Lee and all voted in favor.

9. OPEN 2018-2019 BUDGET

Mayor Chesnut said next is to open the budget. Ashley passed out copies of the 2018-2019 budget. She said she met with Earl and Chief Ames and made a few changes which are highlighted. She went through the items saying the budget is open mostly to move some line items. There was brief discussion of various items and Earl was authorized to purchase some road salt at a better price while it is available. Ashley highlighted a few other major changes such as the funds to deepen the Ravine Well with impact fee funds and the purchase of water meters. See attached budget. A public hearing will be set at the next meeting.

Council Member Harris made a motion to open the 2018-2019 budget for adjustments as discussed and noted. Motion was seconded by Council Member Stoor and all voted in favor.

10. COUNCIL/STAFF REPORT

Earl Gibson said they will be ready to plow at 3:00 am if snow warrants. At the shelter they are putting in duct work for the HVAC system. The Iron Works well repairs and Ravine Well deepening will start tomorrow. They spent a couple of days getting the plows ready and the yard looks nicer now.

Chief Ames reported despite the snow residents have been doing a good job of driving. There are not too many accidents in town but the freeway is a different story. They had a car theft of a running car last week. People want to warm up their vehicles but it is not a good idea to leave them unlocked. They caught the kid but we need to warn people. Cameron graduates from POST on March 7th. We hired on a part time officer to fill in some shifts. He said Jeremy Dunn turned in his two week notice and has good job to go to. His last day is the 28th of February. They will go back to the roster and offer another job. He hopes to have six officers on duty by year end.

City Manager Dotson reported he received an email on chartering a scout troop from Steve McAllen of BSA General Council. He read the email. BSA prohibits any government entity from being a sponsor so we can't do that and we are disappointed. Clubs or non-government agencies can sponsor troops. Also he sent out a notice of the Grand Opening of the dentist office on March 2nd at 11:00 am. He invited the City Council to attend. He attended the ULCT Accountability

Program meeting today and we are doing different things to limit the City's liability. Our score was 2.28 last year and is 2.78 this year. This is a combined effort of all employees. They give us rebates for that effort.

Mayor Chesnut said he is thinking about his hot wings challenge for the 4th and getting ideas for other activities.

Council Member Stoor said we applied for a grant on the irrigation funding and did not receive it. The Recreation Committee is meeting tomorrow and the Tree City USA meeting is March 21st. Arbor Day is coming in April.

Council Member Harris said the Planning Commission had three things on this agenda for the Council tonight. They have a zone change coming for a change to Research/Industrial Park.

Council Member Lee asked about the nuisance ordinance. City Attorney Wayment said City Manager Dotson got it to him and he has redone it with his changes. Council Member Lee asked how it looks. City Attorney Wayment said many cities are grappling with this. This one does not deal with barking dogs and we may need to consider that. It may be good to combine the noise and nuisance ordinances. Council Member Lee asked about the Legislature and what are they doing. City Manager Dotson said they are talking about nuisances but it is not a big change. Council Member Lee asked how long it will be on the belt route decision. City Manager Dotson didn't know but said he would let them know.

11. CLOSED MEETING REQUESTED TO DISCUSS PERSONNEL MATTERS, IMMEDIATE LITIGATION OR REAL ESTATE TRANSACTIONS-(Requires a roll call vote w 2/3 majority)

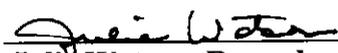
Mayor Chesnut said we need a closed meeting. He asked City Manager Dotson to explain what it is for. City Manager Dotson said when we receive water rights we put them into a spread sheet and on property viewer on the website and that is what will be talking about in closed meeting. He said there were 12 AF of water in question that he found in old meeting minutes for a phase of a subdivision. He can't find the rights and there was a discussion in a closed meeting about them. We are opening that closed meeting and there are minutes and tapes about what was talked about in that closed meeting in 2006. We have to open a closed meeting packet to see what was said. We can go into closed meeting and see if any portion needs to be open for the public. If they waived the water rights or whatever action was taken we come into an open meeting and that is the action to open that portion of the closed meeting. City Attorney Wayment confirmed you can open a closed meeting to release the minutes of a closed meeting.

Council Member Harris made a motion to go into a closed meeting for a water rights discussion in a past closed meeting held on 9-20-2006. Council Member Stoor seconded the motion and a roll call vote was held as follows:

Council Member Harris-Yes	Council Member Stoor-Yes
Council Member Ross-Absent	Council Member Owens-Absent
Council Member Lee-Yes	Motion passed

12. ACTION FROM CLOSED MEETING-No action was taken.

13. ADJOURN-The regular meeting ended at 7:38 pm.


Julie Watson, Recorder

3-7-19
Date